

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

JAN 11 2024

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA §
Plaintiff §

VS. §

§ CRIMINAL CASE NO. 4:16-408-1

ANDREW IAN FARMER §
BOP# 14677-479 §
Defendant §

DEFENDANT'S MOTION FOR REDUCTION OF SENTENCE
PURSUANT TO 18 USC § 3582(C)(2) AND AMENDMENT 821 TO THE
FEDERAL SENTENCING GUIDELINES: BASED ON USSG § 4C1.1
ADJUSTMENT FOR ZERO POINT OFFENDERS

Defendant Farmer respectfully requests this Court to reduce the sentence imposed in this case based upon the recent implementation of USSG guideline amendment 821.

On June 21, 2021, Judge Gilmore in the Houston Division of the Southern District of Texas sentenced me to serve 72 months after my guilty plea to fraud charges. I have been incarcerated at FCI El Reno since October 31, 2021. My current projected release date is November 22, 2025, which represents "Early Transfer to Supervised Release" as specified in the First Step Act.

Pursuant to my PSR, I had zero criminal history points at the time of my sentencing. None of the 9 exceptions listed in Amendment 821 apply in my case. Accordingly, I qualify for consideration for a sentencing reduction under Section 4C1.1.

While my Offense Level was 37, I pled guilty to only two counts under the indictment, Conspiracy to Commit Wire Fraud and Securities Fraud, each count capped at 5 years, for a total exposure of 120 months. Under the terms of a 5k1.1 the USAO requested a sentence of 72 months, or a 40% reduction on my possible exposure of 120 months. Judge Gilmore accepted the USAO recommendation and sentenced me accordingly.

Under Amendment 821 my new effective offense level would be 35. Under the sentencing guidelines in effect at the time of my sentencing the percentage differential between the bottom end of level 37 and the bottom end of level 35 is 20%. A 20% reduction in my 72-month sentence would leave me with a new sentence of approximately 57.6 months, or a net difference of 14.4 months. Under current BOP policies, the net effect of this change would be my immediate transfer to home confinement for in preparation for my transfer to supervised release in November of 2024.

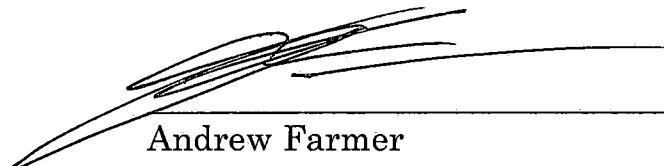
During my period of incarceration, I have taken advantage of the programming offered by the BOP that is intended to lower my likelihood of recidivism. For the past 24 months I have been employed by Federal Prison Industries (UNICOR) at the FCI El Reno Camp. Specifically, since early 2023 I have been employed as the Senior Accounting Clerk for the UNICOR Field Financial Administrator.

In addition to my UNICOR job, I have taken many of the continuing education classes offered at the El Reno camp; such as Drug & Alcohol

Education, Time Management, Anger Management, Business Etiquette, Business Essentials, Nutrition, Green Jobs, Business Communication, ACT Workkeys, and the 9-month Threshold Program.

For the reasons stated in this motion, I move the court for a reduction in sentence under 18 USC § 3582(C)(2) and Amendment 821 of the Federal Sentencing Guidelines. I declare under penalty of perjury that the facts stated in this motion are true and correct.

Respectfully submitted this January 4th, 2023.



Andrew Farmer
Filing *pro se*

January 4, 2024

United States Courthouse
Attn: Clerk of the District Court
PO BOX 61010
Houston Texas 77002-2600

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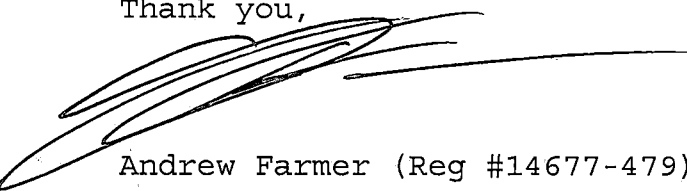
RE: US V. Farmer
Criminal Action No. 4:16-408

Dear Sir/Madam:

Please find the enclosed *Defendant's Motion For Reduction Of Sentence Pursuant To 18 USC § 3582(C)(2) And Amendment 821 To The Federal Sentencing Guidelines: Based On USSG § 4C1.1 Adjustment For Zero Point Offenders* for filing in the above referenced matter.

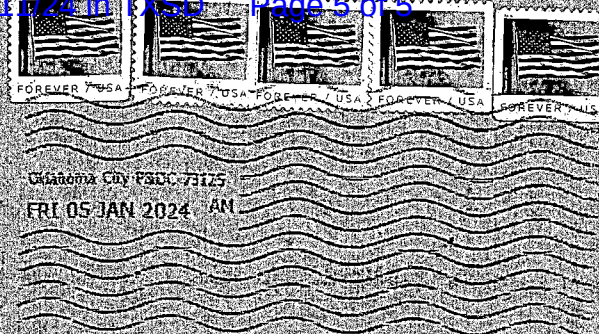
Please return at stamped copy of the motion to the address below.

Thank you,



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Satellite Prison Camp
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El Reno, Oklahoma 73036

ANDREW PALMER
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